

BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2012-32

**DEDICATED TERMITE EXTERMINATORS;  
ERNESTO GUERRA  
4728 North Peck Road, Unit B  
El Monte, CA 91732  
Company Registration Certificate No. PR 2492**

and

**ERNESTO GUERRA  
4728 North Peck Road, Unit B  
El Monte, CA 91732  
Operator License No. OPR 9088, Branch 3**

Respondents.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision in this matter.

The Decision shall become effective on November 27, 2013.

IT IS SO ORDERED October 28, 2013.



FOR THE STRUCTURAL PEST CONTROL BOARD  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LANGSTON M. EDWARDS  
Deputy Attorney General  
4 State Bar No. 237926  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-6343  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**STRUCTURAL PEST CONTROL BOARD**  
9 **DEPARTMENT OF PESTICIDE REGULATION**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-32

11 **DEDICATED TERMITE**  
12 **EXTERMINATORS; ERNESTO GUERRA**  
4728 North Peck Road, Unit B  
13 El Monte, CA 91732  
Company Registration Certificate No. PR  
14 2492

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 and

16 **ERNESTO GUERRA**  
4728 North Peck Road, Unit B  
17 El Monte, CA 91732  
Operator License No. OPR 9088

18  
19 Respondents.

20  
21  
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:  
24

25 **PARTIES**

26 1. Susan Saylor (Complainant) is the Interim Registrar/Executive Officer of the  
27 Structural Pest Control Board. She brought this action solely in her official capacity and is  
28

1 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
2 Langston M. Edwards, Deputy Attorney General.

3 2. Respondent Dedicated Termite Exterminators; Ernesto Guerra (Respondent) is  
4 represented in this proceeding by attorney James L Frederick, whose address is: 504 West  
5 Mission Avenue, Suite 103, Escondido, California 92025.

6 3. On or about November 5, 1993, the Structural Pest Control Board issued Company  
7 Registration Certificate No. PR 2492, in Branch 3 to Respondent Dedicated Termite  
8 Exterminators, with Respondent Ernesto Guerra listed as Owner and Qualifying Manager  
9 (collectively, Respondents). The license was in full force and effect at all times relevant to the  
10 charges brought herein.

11 4. On or about February 24, 1993, the Board issued Operator's License No. OPR 9088,  
12 in Branch 3 to Respondent Guerra. Operator's License No. OPR 9088 was in full force and  
13 effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless  
14 renewed.

#### 15 16 JURISDICTION

17 5. Accusation No. 2012-32 was filed before the Structural Pest Control Board (Board),  
18 Department of Pesticide Regulation, and is currently pending against Respondents. The  
19 Accusation and all other statutorily required documents were properly served on Respondents on  
20 February 8, 2012. Respondents timely filed Notice of Defense contesting the Accusation.

21 6. A copy of Accusation No. 2012-32 is attached as **Exhibit A** and incorporated herein  
22 by reference.

#### 23 24 ADVISEMENT AND WAIVERS

25 7. Respondents have carefully read, fully discussed with counsel, and understand the  
26 charges and allegations in Accusation No. 2012-32. Respondents have also carefully read, fully  
27 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary  
28 Order.

8. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at their own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

9. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

## CULPABILITY

10. Respondents understand and agree that the charges and allegations in Accusation No. 2012-32, if proven at a hearing, constitute cause for imposing discipline upon both the Company Registration Certificate and Operator's License.

11. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondents hereby give up the right to contest those charges.

12. Respondents agree that the Company Registration Certificate and Operator's License are subject to discipline and agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

13. This stipulation shall be subject to approval by the Structural Pest Control Board. Respondents understand and agree that counsel for Complainant and the staff of the Structural Pest Control Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or

1 seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board  
2 fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
3 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
4 action between the parties, and the Board shall not be disqualified from further action by having  
5 considered this matter.

6 14. The parties understand and agree that facsimile copies of this Stipulated Settlement  
7 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
8 effect as the originals.

9 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
10 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
11 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
12 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
13 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
14 writing executed by an authorized representative of each of the parties.

15 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
16 the Board may, without further notice or formal proceeding, issue and enter the following  
17 Disciplinary Order:

### 18 DISCIPLINARY ORDER

19  
20 IT IS HEREBY ORDERED that Company Registration Certificate No. PR 2492 issued to  
21 Respondent Dedicated Termite Exterminators and Operator's License No. OPR 9088 issued to  
22 Respondent Ernesto Guerra are revoked. However, the revocations are stayed and Respondents  
23 are placed on probation for one (1) year on the following terms and conditions.

24 1. **Obey All Laws.** Respondents shall obey all federal, state and local laws and all laws  
25 and rules relating to the practice of structural pest control.

26 2. **Quarterly Reports.** Respondents shall file quarterly reports with the Board during  
27 the period of probation.

28 3. **Tolling of Probation.** Should Respondents leave California to reside outside this

1 state, Respondents must notify the Board in writing of the dates of departure and return. Periods  
2 of residency or practice outside the state shall not apply to reduction of the probationary period.

3 4. **Notice to Employers.** Respondents shall notify all present and prospective  
4 employers of the decision in Case No. 2012-32 and the terms, conditions and restriction imposed  
5 on Respondent by said decision.

6 Within 30 days of the effective date of this decision, and within 15 days of Respondents  
7 undertaking new employment, Respondents shall cause his employer to report to the Board in  
8 writing acknowledging the employer has read the decision in Case No. 2012-32.

9 5. **Notice to Employees.** Respondents shall, upon or before the effective date of this  
10 decision, post or circulate a notice to all employees involved in structural pest control operations  
11 which accurately recite the terms and conditions of probation. Respondents shall be responsible  
12 for said notice being immediately available to said employees. "Employees" as used in this  
13 provision includes all full-time, part-time, temporary and relief employees and independent  
14 contractors employed or hired at any time during probation.

15 6. **Completion of Probation.** Upon successful completion of probation, Respondents'  
16 Company Registration Certificate and Operator's License will be fully restored.

17 7. **Violation of Probation.** Should Respondents violate probation in any respect, the  
18 Board, after giving Respondents notice and an opportunity to be heard, may revoke probation and  
19 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against  
20 Respondents during probation, the Board shall have continuing jurisdiction until the matter is  
21 final, and the period of probation shall be extended until the matter is final.

22 8. **Random Inspections.** Respondents shall reimburse the Board for one random  
23 inspection per quarter by Board specialists during the period of probation not to exceed \$125 per  
24 inspection.

25 9. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**  
26 **Manager.** Respondent Ernesto Guerra is prohibited from serving as an officer, director,  
27 associate, partner, qualifying manager or branch office manager of any registered company other  
28 than Dedicated Termite Exterminators during the period that discipline is imposed on Company

1 Registration Certificate No. PR 2492 and Operator License No. 9088.

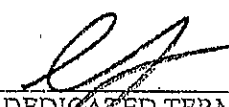
2 10. **No Interest In Any Registered Company.** Respondent Ernesto Guerra shall not  
3 have any legal or beneficial interest in any company registered by the Board other than Dedicated  
4 Termite Exterminators during the period that discipline is imposed.

5 11. **Cost Recovery.** Pursuant to Section 125.3 of the California Business and Professions  
6 Code, Respondents shall pay to the Board investigation and enforcement costs in the amount of  
7 \$673.75 according to a payment schedule that has been approved by the Board. Probation shall  
8 not be terminated until all costs are paid in full.

9  
10 **ACCEPTANCE**

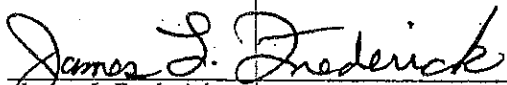
11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
12 discussed it with my attorney, James L. Frederick. I understand the stipulation and the effect it  
13 will have on my Company Registration Certificate and Operator's License. I enter into this  
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
15 to be bound by the Decision and Order of the Structural Pest Control Board.

16  
17 DATED: 3-20-13

  
\_\_\_\_\_  
DEDICATED TERMITE EXTERMINATORS;  
ERNESTO GUERRA  
Respondent

18  
19  
20 I have read and fully discussed with Respondents Dedicated Termite Exterminators and  
21 Ernesto Guerra the terms and conditions and other matters contained in the above Stipulated  
22 Settlement and Disciplinary Order. I approve its form and content.

23  
24 DATED: 3-21-13

  
\_\_\_\_\_  
James L. Frederick  
Attorney for Respondent

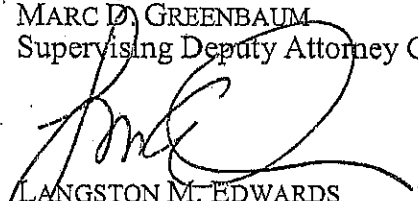
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Structural Pest Control Board of the Department of Pesticide Regulation.

Dated: April 26, 2013

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General

  
LANGSTON M. EDWARDS  
Deputy Attorney General  
*Attorneys for Complainant*

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